HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 8113 OF 2006

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Dated 21st April, 2006

Between:

Sri Lakshmi Ganapathy Saw Mill,

Lakshnmivaripeta, Eluru, West Godavari

District.

… Petitioner

And

The Divisional Forest Officer, Eluru

Division, Eluru, West Godavari District

and another.

… Respondents.

ORDER:

The petitioner was initially granted saw-mill licence on 16.8.2003 by considering his application under A.P.Saw Mills (Regulation) Rules, 1969 framed under Andhra Pradesh Forest Act, 1967. The said licence was initially granted up to 31.12.2003 and from time to time, it was renewed till 31.12.2005. When application was filed for its renewal beyond 31.12.2005, the same was rejected by referring to order dated 16.11.2002 passed in W.P. 202 of 1995 by the Honourable Supreme Court of India. In the aforesaid order, the Apex Court while dealing with the permits granted to saw

mills in the States of Nagaland, Karnataka etc. has issued directions to all the State Governments and Union Territories not to grant permissions for opening of any saw-mills, veneer or plywood industry without prior permission of the Central Empowered Committee.

As much as there is no absolute prohibition for grant of licence and in view of the directions issued by the Apex Court, it is permissible for the licensing authority to consider the applications for grant of permission subject to permission by the Central Empowered Committee constituted by the Ministry of Environment and Forest, Government of India. As much as the petitioner was initially granted licence on 16.8.2003 and it was renewed from time to time till 31.12.2005 and further renewal was rejected by referring to the directions of the Apex Court and as there is no absolute prohibition, I dispose of the writ petition directing the Divisional Forest Officer to refer the application of the petitioner within a period of four weeks from the date of the receipt of a copy of this order, for consideration as to permission by the Central Empowered Committee constituted by the Ministry of Environment and Forests, Government of India, under the provisions of sub-section (3) of Section 3 of the Environment (Protection) Act, 1986, by notification dated 17.9.2002, for grant of licence/renewal of licence granted under A.P. Saw Mills (Regulation) Rules, 1969. Subject to the orders that may be passed as to permission by the Central Empowered Committee, the Divisional Forest Officer shall take steps for renewal of licence, which has already been granted to the petitioner earlier. No costs.

2006. **(R.SUBHASH REDDY, J.)**

VR.

Note:

Issue by 24.4.2006.

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